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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,893	03/02/2004	David Zovic	MBT-131-A	2676

7590 10/06/2005

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EXAMINER

BARRETT, SUZANNE LALE DINO

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/790,893

Applicant(s)

ZOVIC ET AL.

Examiner

Suzanne Dino Barrett

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/3/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 8 and 20 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claims 8 and 20 have not been further treated on the merits.

2. Claims 6 and 7 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claims 6 and 7 depend from claim 5 which sets forth a security device for use with a strap (note that the strap, key or luggage is not positively recited in claims 1 and 4 and therefore is merely intended use of the device and not given patentable weight), while claims 6 and 7 set forth a strap and key respectively. The strap and key do not further limit the security device structure as set forth in claims 1-5. Furthermore, it is noted and discussed in detail below, that the claims are further rejected under 35 USC 112, since the claims 6 and 7 do not present sufficient structure of a strap or key for proper claim format and construction.

Claim Rejections - 35 USC § 112

3. Claims 1-3,6-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claims 1-3,6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: between the security device comprising a linking means of claims 1-3, and the strap of claim 6 or the key of claim 7. Note also, that claim 1 recites a linking means for use with a strap, but fails to provide further structure other than the intended use of the linking means with the strap.

Furthermore, as stated above with respect to claims 6 and 7 which depend from claim 5 which sets forth a security device for use with a strap (note that the strap, key or luggage is not positively recited in claims 1 and 4 and therefore is merely intended use of the device and not given patentable weight), while claims 6 and 7 set forth a strap and key respectively. Claims 6 and 7 do not present sufficient structure of a strap or key to qualify as proper claim format and construction. Note that claims 8-19 are included herein because they depend from claims 6 and 7.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-5, 6-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Nowak 5,230,541. Nowak teaches a security device comprising a housing 12 with passageways to receive two ends of a cable 14 and further providing linking means therein in the form of a spring biased locking pawl 28 which provides a one-way insertion of the cable end 70 into the housing to be locked therein. Nowak further teaches a key/tool release (through slot 62) for the locking pawl 28. Nowak further teaches that the other cable end 22/18 has an enlarged end insertable into the housing passage at 18 and removable therefrom. Clearly, if the strap is severed at the midsection, both ends would be removable from the housing.

7. Claims 1-3 are further rejected under 35 U.S.C. 102(b) as being anticipated by Orschel 2,740,654. Orschel teaches a security device comprising a housing 10 with passageways to receive two ends of a cable 13 and further providing linking means 14 therein which provides a one-way insertion of the cable ends into the housing to be locked therein. Orschel further teaches in col. 2, lines 33-34, that the cable end 13 could be attached to the housing during manufacture or could be inserted later if desired (i.e. during the fastening process).

Allowable Subject Matter

8. Claims 16-19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the indicia of Moulding; the slider and button of Hayward; the luggage seals of Tachner and Redburn et al; the key devices of Meekma, Leon and Smith; also the various seals of Bystry, Penick, Schindler, Loynes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suzanne Dino Barrett whose telephone number is 571-272-7053. The examiner can normally be reached on M-Th 8:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3676

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'SDB', with a stylized flourish at the end.

Suzanne Dino Barrett
Primary Examiner
Art Unit 3676

sdb